

D. J. Cant
resistance to a selection agent, the foreign gene [construction]
constructions having been transformed into the cotton plant or
[its] the progenitors of the cotton plant by
Agrobacterium-mediated plant transformation.

end
REMARKS

By an Office Action dated January 28, 1992, the Examiner in charge of this application finally rejected the claims of the application on obviousness-type double patenting, due to defects in the previously filed Terminal Disclaimer, and also rejected Claims 24 and 25 due to wording informalities. Both of those grounds of rejection have been addressed herewith.

The irregularity in the applicant's Terminal Disclaimer was due to the fact of existence of previously unrecorded assignments which would clarify the status of title to the present application. In order to put title properly of record, and to facilitate the acceptance of the Terminal Disclaimer, the applicant has now recorded those assignments. Enclosed herewith are copies of assignment documents and cover letters which have been sent to the U.S. Patent and Trademark Office on the same day as this response is filed, under separate cover. Those cover sheets establish that the title to previously issued U.S. Patent No. 5,004,863, and title to the present patent application, have both been transferred from Agracetus, a general partnership, to Agracetus, Inc. This establishes that title to the present application, and title to the U.S. Patent No. 5,004,863 are in

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Agracetus, Inc., the entity which executed the Terminal disclaimer previously submitted in the file of this application. Accordingly, the terminal disclaimer is now effective to overcome the obviousness-type double patenting rejection.

The defects in Claims 24 and 25 pointed out by the Examiner have been addressed by responsive amendments to the claims made above. The applicant has attempted to comply with each ground of rejection as identified by the Examiner. To the extent that these wording informalities are not fully addressed in this response, Examiner Fox is encouraged to call the undersigned so that any further wording defects can be promptly cured without further delay.

Also submitted herewith is a supplemental Form PTO 1449 and a copy of each of the documents listed thereon. These documents were all supplied to the assignee of the present invention by a potential licensee during discussions related to the licensing of U.S. Patent No. 5,004,863, and were asserted, at least for negotiating purposes, to be relevant to the patentability of the subject matter of that patent and this application. The undersigned has reviewed these documents and found them to be cumulative and repetitive of material contained within cited references in the file of the above-identified previously issued patent. None of these documents shows or suggests the existence of a transgenic cotton plant before the work of the applicant here. Nevertheless, out of an abundance of caution, and in order to fully comply with the requirements of candor with the Patent

and Trademark Office, these documents are submitted for consideration by the Examiner, as the Examiner may deem appropriate.

Wherefore an early and favorable reply is solicited.

Respectfully submitted,



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